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9 *the Certificateholders CWALT Inc., Alternative Loan Trust 2006-6CB, Mortgage Pass-Through*
10 *Certificates, Series 2006-6CB*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 THE BANK OF NEW YORK MELLON FKA
14 THE BANK OF NEW YORK, AS TRUSTEE
15 FOR THE CERTIFICATEHOLDERS
16 CWALT INC., ALTERNATIVE LOAN
17 TRUST 2006-6CB, MORTGAGE PASS-
18 THROUGH CERTIFICATES, SERIES 2006-
19 6CB,

20 Plaintiff,

21 vs.

22 WESTCOR LAND TITLE INSURANCE
23 COMPANY,

24 Defendant.

Case No.: 2:19-cv-01561-RFB-NJK

25 **STIPULATION AND ORDER TO STAY**
26 **CASE PENDING APPEAL**

27 Plaintiff, The Bank of New York Mellon fka The Bank of New York, as Trustee for the
28 Certificateholders CWALT Inc., Alternative Loan Trust 2006-6CB, Mortgage Pass-Through
Certificates, Series 2006-6CB (hereinafter “BONY”), and Defendant Westcor Land Title
Insurance Company, (“Westcor”) (collectively, the “Parties”), by and through their counsel of
record, hereby agree and stipulate as follows.

WHEREAS, BONY filed this action on September 6, 2019 [ECF No. 1];

WHEREAS, BONY caused the Complaint and Summons to be served on Westcor on
December 31, 2019 [ECF No. 7];

1 **WHEREAS**, Westcor’s current deadline to respond to the Complaint is January 21,
2 2020;

3 **WHEREAS**, there are now currently pending in the United States District Court for the
4 District of Nevada more than three dozen actions between national banks, on the one hand, and
5 their title insurers, on the other hand (the “Actions”);

6 **WHEREAS**, each of the Actions involves a title insurance coverage dispute wherein the
7 national bank contends, and the title insurer disputes, that a title insurance claim involving an
8 HOA assessment lien and subsequent sale was covered by a policy of title insurance;

9 **WHEREAS**, in virtually all of these Actions, the title insurer underwrote an ALTA 1992
10 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9
11 Endorsement and either the CLTA 115.1/ALTA 4 Endorsement or the CLTA 115.2/ALTA 5
12 Endorsement (the “Form Policy”);

13 **WHEREAS**, each of the Actions implicates common questions of interpretation of the
14 Form Policy;

15 **WHEREAS**, the national bank in one of these actions has now appealed a judgment of
16 dismissal to the Ninth Circuit Court of Appeals, *Wells Fargo Bank, N.A. v. Fidelity National*
17 *Title Ins. Co.*, Ninth Cir. Case No. 19-17332 (District Court Case No. 3:19-cv-00241-MMD-
18 WGC) (the “*Wells Fargo II* Appeal”);

19 **WHEREAS**, the Parties anticipate that the Ninth Circuit Court of Appeals’ decision in
20 the *Wells Fargo II* Appeal will likely touch upon issues regarding the interpretation of the Form
21 Policy and the reasonableness of the insurer’s denial, that could potentially affect the disposition
22 of the other Actions, including the instant action;

1 **WHEREAS** both of the Parties agree that it is appropriate and desirous to stay the instant
2 action pending the disposition of the *Wells Fargo II* Appeal, that a stay of the instant action will
3 not prejudice either of the Parties, and that a stay of the instant action will best serve the interests
4 of judicial economy (given the possibility that the Ninth Circuit Court of Appeals' decision on
5 the *Wells Fargo II* Appeal might affect the disposition of this case);

6 **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby
7 stipulate and agree as follows:
8

- 9 1. The instant action shall immediately be **STAYED**, pending the disposition of the
10 *Wells Fargo II* Appeal.
11 2. Westcor's deadline to respond to the Complaint is hereby **VACATED**.
12 3. By entering into this stipulation, neither of the Parties is waiving its right to
13 subsequently move the Court for an order lifting the stay in this action.
14

15 DATED this 22nd day of January, 2020.

DATED this 22nd day of January, 2020.

16 **WRIGHT, FINLAY & ZAK, LLP**

RESNICK & LOUIS, P.C.

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Insurance Company*

23 **IT IS SO ORDERED.**

24 Dated this 31st day of January, 2020.

25
26 
27 **RICHARD F. BOULWARE, II**
28 **UNITED STATES DISTRICT JUDGE**